

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898 (SAS)
MDL 1358

This document relates to:

*Commonwealth of Pennsylvania v. Exxon Mobil
Corporation, et al.*, Case No. 14-cv-06228

CERTAIN DEFENDANTS' NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that the Defendants listed in Attachment A (collectively, "Defendants") hereby move before the Honorable Shira A. Scheindlin, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, for an order dismissing Count VI (Violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law against the "MTBE MSDS Defendants"), Count VII (Violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law against certain "MTBE Defendants"), Count IX (Violation of the Pennsylvania Storage Tank and Spill Prevention Act against the "Insurance Defendants"), and, to the extent previously Ordered by the Court, Count III (Nuisance) of the Second Amended Complaint. Defendants' motion is based upon their Memorandum of Law and any reply brief and/or oral argument that may be submitted or made by Defendants in support of this motion.

January 8, 2016

New York, New York

By: 

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and ExxonMobil Oil Corporation, and on behalf
of Defendants Listed on Attachment A*

ATTACHMENT A¹

American Refining Group, Inc.

Atlantic Richfield Company
BP America Inc.
BP Amoco Chemical Company
BP Holdings North America Limited
BP PLC
BP Products North America Inc.
BP West Coast Products LLC

Chevron Corporation
Chevron U.S.A. Inc.
Texaco Inc.
TRMI-H LLC

CITGO Petroleum Corporation
CITGO Refining and Chemicals Company L.P.

Coastal Eagle Point Company
El Paso Merchant Energy-Petroleum Company
Kinder Morgan, Inc.

Conoco, Inc.
ConocoPhillips
ConocoPhillips Company
Phillips 66
Phillips 66 Company
Phillips Petroleum Company
Tosco Corporation
Tosco Refining Co.

Crown Central LLC

Cumberland Farms, Inc.
Gulf Oil Limited Partnership

Duke Energy Merchants, LLC

¹ Defendants listed below join as to the Counts in which they are named. Defendant Lukoil Americas Corporation (“LAC”) has indicated that it will join in Defendants’ arguments, concerning Counts brought against LAC, by separate motion.

Equilon Enterprises LLC
Motiva Enterprises LLC
Shell Oil Company
Shell Oil Products Company LLC
TMR Company

Exxon Mobil Corporation
ExxonMobil Oil Corporation

George E. Warren Corporation

Getty Properties Corp.

Hess Corporation
WilcoHess LLC
Marathon Oil Corporation
Marathon Petroleum Corporation
Marathon Petroleum Company LP

NuStar Terminal Operations Partnership L.P.

Premcor Refining Group, Inc.
Premcor USA, Inc.
Valero Energy Corporation²
Valero Marketing and Supply Company
Valero Refining and Marketing Company

Sunoco, Inc. (f/k/a Sun Company, Inc.)
Sunoco, Inc. (R&M)
Energy Transfer Partners, L.P.
ETP Holdco Corporation

Total Petrochemicals & Refining USA, Inc.

United Refining Company

Western Refining Yorktown, Inc.

² The Second Amended Complaint named Ultramar Diamond Shamrock Corporation. However, Ultramar Diamond Shamrock Corporation has merged into Valero Energy Corporation, and the former entity no longer exists.